IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 15599 of 2007(F)

PETITIONER:

SHEELA.N., PART TIME SWEEPER,
KRISHI BHAVAN, VENGAD.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:
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1. **THE SECRETARY TO GOVT.**
   DEPARTMENT OF AGRICULTURE,
   GOVT.SECRETARIAT, TRIVANDRUM.

2. **THE PRINCIPAL AGRICULTURAL OFFICER,**
   KANNUR.

R1 & R2 BY SR. GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.15599/2007 F

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE VOUCHED CONTINGENT BILL.**

EXT.P2: **COPY OF THE PROCEEDINGS OF THE AGRICULTURE OFFICER.**

EXT.P3: **THE SWEEPING AREA CERTIFICATE ISSUED BY PWD BUILDING SUB-DIVISION THALASSERY.**

EXT.P4: **COPY OF THE G.O(P) NO.501/3005 DTD. 25/11/2005.**

EXT.P5: **COPY OF THE ORDER DTD. 7/05/2007.**

/TRUE COPY/

P.A.TO JUDGE

KSS

V. GIRI ,J.

WP(C).NO.15599 of 2007

Dated this the 15th day of November, 2007

JUDGMENT

The petitioner is a casual sweeper engaged in the office of the Vengad Krishi Bhavan. Originally, as per Ext.P3, the sweeping area serviced by the petitioner was assessed as 102.6 sq.m. This was forwarded to the government. The sweeping area was assessed ..and it was found to be less than 100 sq.metres. Petitioner's claim for regularization was also rejected under Ext.P5. There was also a direction for reduction of the salary to 600/- per month. The reduction in salary was stayed by this Court as per an interim order dated 24.5.2007.

2. The issue raised in this writ petition is covered by a judgment of this Court in W.A.No.1863/2004. It has been held that even if the sweeping area in relation to casual sweepers is less than 100 sq.m. they are entitled to protection of the wages drawn by them notwithstanding the reduction of the sweeping area on reassessment of the same. It is declared that the said direction is applicable to the case of the petitioner herein as well. Taking note of the averments in the counter affidavit filed by the respondents, it is further declared that

the reassessment of the sweeping area as now done shall be treated as final and the petitioner will only be entitled to the benefit of G.O(P) 501/2005 as construed by this Court in the aforementioned order.

Writ Petition is disposed of as above.

V. GIRI, JUDGE

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